UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK	X
MARLA ALLEN, Plaintiff,	: : : : ORDER ADOPTING : REPORT AND
-against-	RECOMMENDATION
LLOYD BARNES and WACKIES MUSIC,	: 08-CV-3832 (BMC) (LB)
Defendants.	:
	: X

Plaintiff brought this action for copyright infringement pursuant to 17 U.S.C. § 101, et seq. and for an accounting of all "exploitations [] purportedly authorized by defendants" for plaintiff's recordings and compositions. Plaintiff moved for entry of default and default judgment after defendants failed to timely appear. The Clerk of the Court noted defendants' default on November 10, 2008; however, the Court deferred ruling on plaintiff's motion for default judgment pending discovery on damages issues. After the Clerk had entered the default on the docket, defendants filed a motion to vacate any default judgment against them. The Court referred this matter to United States Magistrate Judge Lois Bloom for a Report and Recommendation.

By a Report and Recommendation dated January 13, 2009, Magistrate Judge Bloom has recommended that plaintiff's motion for default judgment should be denied and defendants' motion to vacate the default should be granted. Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties had ten days to file written objections to Judge Bloom's Report and Recommendation. As of February 2, 2009, neither party had filed objections.

Having reviewed the Report and Recommendation, and finding no error on the face of

the record, the Court adopts the Report and Recommendation in its entirety. The Court DENIES

[9] plaintiff's motion for default judgment; GRANTS [11] defendants' motion to vacate the

default; and ORDERS that the Clerk of Court vacate the entry of default against defendants.

This matter is referred to Magistrate Judge Lois Bloom for continued settlement discussions and

all other pretrial matters.

The Clerk of the Court is directed to mail a copy of this Order to defendant pro se.

SO ORDERED.

/Signed by Judge Brian M. Cogan/

Dated: Brooklyn, New York

February 9, 2009

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